

(E) LIABILITY OF CLAIMANT FOR COSTS.

IF, IN AN APPEAL AGAINST THE ADMINISTRATION, JUDGMENT IS GIVEN IN FAVOR OF THE ADMINISTRATION OR THE APPEAL IS DISMISSED AT THE REQUEST OF THE CLAIMANT, THE CLAIMANT SHALL PAY THE FULL COSTS OF THE APPEAL.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 66 1/2, §3-209(c) through (f).

In subsection (a) of this section, the phrase "in the proper filing, recording, or indexing of a security interest" is new language added for clarity. Except for the word "indexing", this phrase is derived from the Title to Ch. 312, Acts of 1975, which most recently amended this section. Although the present statute does not contain this limiting language (and, literally, might appear to apply to any error relating to any activity, not just one in connection with security interests), the limitation is required since "{t}he title of a statute...will limit the act to what the title intends" Shub v. Simpson, 196 Md. 177 (1950). The reference to "indexing" is added as an express reference to what, in reality, is an implicit element of "filing" and "recording".

In subsection (c) of this section, the phrase "or has his principal place of business" is added to conform to the similar provisions of §§ 12-209 and 13-704 of this article, as well as the general venue provisions of the Courts Article.

Subsection (e) of this section is revised to reflect changes otherwise made in this section by Ch. 312, Acts of 1975, requiring a hearing by the Administration before an "action", by way of appeal, may be commenced in court.

The only other changes are in style.

As to hearings, generally, see Title 12, Subtitle 2 of this article.

GENERAL REVISOR'S NOTE:

In revising this subtitle, the Commission to Revise the Annotated Code deleted present Art. 66 1/2, §3-205A, which requires the Administration to adopt rules and regulations for this subtitle. That section is unnecessary in light of §12-104 of this article to the same effect.